

DECLARATION OF JANICE EVANS

UPHE v. Diesel Power Gear et al., 2:17-cv-00032-RJS-DBP

I, Janice Evans, declare that the following statements are true and correct to the best of my knowledge.

1. I am a resident of Salt Lake County, Utah, and a Board member of Utah Physicians for a Healthy Environment (UPHE). I joined the Board of UPHE in June, 2015. While I am not a physician, I am committed to serving UPHE with my time and talents, such as they are. I am committed to UPHE and its mission to educate everyone from parents to public officials about the damage that pollution causes to the human body, in-vitro through very old age. All of us have choices in what we eat, what we drink and how much or how little we exercise but none of us has a choice when it comes to the air we must breathe to live.

2. UPHE represents my interests in a healthy environment, including healthy air.

3. The Utah Division of Air Quality has determined that the air in Salt Lake County, including Salt Lake City where I live, is unhealthy due to high levels of fine particulate matter and ozone. This is because Salt Lake County exceeds health-based ambient standards for particulate matter and ozone.

4. Air pollution affects me very personally, especially during the winter and summer months when residents of the Salt Lake Valley are encased in a cloud of polluted air. During these times of year, polluted air is trapped in the valley to the point where you swear you can chew it.

5. While this pollution affects everyone's lungs, it really adversely affects my eyes. I have a genetic eye disease called Keratoconus, which causes extreme astigmatism and significant myopia or nearsightedness. Since I was diagnosed with this disease of the cornea at age eleven, doctors were only able to correct my vision with "hard" gas permeable contact lenses. I have had three cornea transplants in my right eye, one cornea transplant in my left eye, as the disease recurred in both eyes. In 2000, my eye doctor fitted me with super-sized rigid gas permeable scleral contact lenses (RGP.) I have worn these lenses successfully in both eyes until my right cornea transplant failed, and I had my third transplant in that eye in January 2015. I wear the scleral contact lens in my left eye and have a slight correction with eyeglasses which permits me to drive and read and work successfully. As inferred by the name of the contact lens, it allows my left eye to "breathe" with oxygen molecules passing through the lens. When the air is fouled with particulate pollution, my eye is literally sore, and on really bad air days, I cannot tolerate wearing the contact lens at all. Can't drive, can't read, can't work.

6. Without the sight-saving cornea transplant surgery, I would be blind. Without the generosity of the organ donors, I would be blind. Without the

considerable skill of my eye surgeon, I would be blind. Air pollution affects my lungs and heart, like everyone else. But air pollution affects my ability to see.

7. My health, safety and comfort are not just compromised by the general levels of air pollution in Salt Lake County. My health, safety and comfort are specifically injured by dense plumes of diesel exhaust. Visible diesel exhaust coming from vehicles smells terrible, makes me choke, and adversely affects my eyes. If I see a diesel truck belching black smoke I change lanes, slow down or get off the road as soon as I can because the smoke will immediately affect my eyes. I must avoid campfires and barbeque smoke as it also affects my eyes. Diesel smoke and fumes are much worse.

8. I live in one of the most beautiful places on the planet. I become depressed when I can't see these places because of high levels of fine particulate matter and ozone.

9. The great joys of living in Utah include spending time in the mountains, looking with awe at the Wasatch Range, and walking through my neighborhood in the snow. After the first big snowfall, I am enchanted by the change of season. But this elation is always short-lived; soon enough the winds become calm and a dark cloud of pollution builds up over the Salt Lake Valley. I deeply regret the days when I can't see the mountains and feel the peace and restoration that the natural world would otherwise bring to my heart and soul.

10. All year, regardless of air pollution index readings, I drive only when necessary. I know that every time I drive, I am contributing to air pollution. I do whatever I can to pollute less, by combining trips when I run errands and carpooling whenever possible.

11. I understand that the defendants in this case have removed or disabled pollution control equipment from diesel vehicles, and they and others have driven and continue to drive those vehicles in and around Salt Lake City. I also understand that the defendants have sold aftermarket parts to other diesel vehicle owners in Utah to allow those owners to remove or bypass the pollution control equipment in their own vehicles.

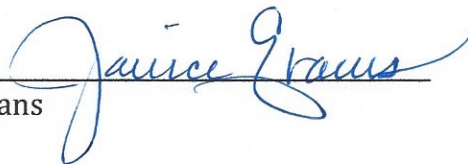
12. Diesel exhaust contributes to Salt Lake Valley's air pollution problem. The defendants in this case are exacerbating the problem by removing pollution control equipment from diesel vehicles, and selling parts to other diesel vehicle owners so they can remove this equipment from their own diesel vehicles. It's common sense that diesel vehicles that have had their pollution control equipment removed, emit more pollution compared to what they would emit if that equipment were left on. This additional pollution adds to our air pollution problem and its negative effects on me. It also adversely affects me to know that this additional pollution hurts the lungs and hearts everyone in my community, from kids with asthma to elderly people like my mom and my sister who have to use oxygen to live.

13. Recently, Volkswagen admitted to making money at the expense of public health by deliberately removing or tricking pollution control systems on its diesel vehicles. Volkswagen has been required to stop these activities, recall its illegally modified vehicles, and pay an penalty.

14. If the defendants in this case are found to be breaking the law by removing and defeating pollution control systems on diesel vehicles here in Utah, and selling parts to do the same thing, like Volkswagen they should be required to stop. They should also be required to undo what they have done by recalling these vehicles and parts. They should also be required to pay a stiff penalty. This will make our air cleaner, and deter others from making it dirtier. Compelling the defendants to obey the law and respect everyone's right to clean air – mine, their own families, neighbors and fellow citizens – wouldn't eliminate all sources of air pollution, but it will make the air healthier by stopping some of it.

15. If the defendants are found to have broken the law they should also be required to finance other air pollution control efforts in the Wasatch Front to offset the excessive pollution they have caused in the past.

Signed under the penalties of perjury,



Janice Evans

Dated: August 12, 2017